

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA

:

v.

CRIMINAL NO. 24-264

KEITH THOMAS DOUGHERTY

:

GOVERNMENT'S TRIAL MEMORANDUM

I. THE INDICTMENT

On July 18, 2024, a federal grand jury returned a four-count Indictment charging defendant Keith Thomas Dougherty with one count of threatening to assault and murder United States judges with the intent to impede, intimidate, and interfere with them while they were engaged in the performance of official duties, and with the intent to retaliate against them on account of their performance of official duties, in violation of Title 18, United States Code, Section 115, and three counts of mailing threatening communications, in violation of Title 18, United States Code, Section 876(c).

II. FACTUAL BACKGROUND

The defendant, Keith Dougherty, has mailed/filed motions containing threatening language directed at federal judges on numerous occasions in several federal districts. He has been prosecuted and convicted once by a federal jury for such filings and served a 41-month prison term in that case, followed by a three-year period of supervised release. Just months into that supervised release, he uttered more threatening communications, and so his supervised release was revoked and he served a second prison term, for the violation. While back in prison serving the violation sentence, he mailed/filed the same sort of threatening language again.

A. The Underlying Civil Action

Dougherty's ongoing rancor against the Court apparently arises from his disappointment in the Courts' handling of a civil case that he initially brought in the courts of York County, Pennsylvania on July 24, 2008. That case arose from a dispute between Dougherty and the building code and zoning officials of North Hopewell, Pennsylvania. Dougherty brought his case *pro se*. The case was dismissed after Dougherty failed to file an amended complaint when ordered to do so by the trial court. The Pennsylvania Commonwealth Court affirmed the dismissal in *Dougherty v. North Hopewell Township*, No. 629 C.D. 2009.

Dougherty then sought relief in federal court, in the Middle District of Pennsylvania. Again, he proceeded *pro se*. He purported to represent a company called Docson Consulting, an LLC of which he was the owner and sole member. The district court dismissed Docson Consulting as a plaintiff because it was not represented by counsel, a requirement under federal law. The Court of Appeals affirmed the dismissal. *Dougherty v. Snyder*, 469 F. Appx. 71 (3d Cir. 2012), *cert denied* 135 S.Ct. 409 (2014). A flurry of further *pro se* litigation followed but ultimately the Court dismissed Dougherty's various claims. *Dougherty v. Snyder*, 621 Fed. Appx. 715 (3d Cir. 2015).¹

B. The Original Threat Conviction

Dougherty sent a letter to the (then) Chief Judge of the Middle District of Pennsylvania, Christopher Connor, on May 6, 2017. The letter contained threatening language aimed at the

¹ See, e.g., *In re Dougherty* 393 F. App'x 843, (3d Cir. 2010); *In re Dougherty* 563 F. App'x 96 (3d Cir. 2014), *cert denied* 135 S. Ct. 426 (2014). See also *Dougherty v. United States*, 156 F. Supp. 3d. 222 (D. DC. 2016). In that case Judge, now Justice, Ketanji Brown Jackson summarized Dougherty's prolific unsuccessful litigation history. *Id.* at 227.

Dougherty also repeatedly attempted to litigate a related dispute in other federal courts. See, e.g., *Cluck-U Corp. v. Dougherty ex rel. Docson Consulting LLC*, 538 F. App'x 312 (4th Cir. 2013); *In re Dougherty*, 408 F. App'x 692 (4th Cir. 2011).

Chief Judge and others, including the statement that

“Keith Dougherty filed the paperwork "to establish a Well Regulated Militia". . . and at the appropriate time "will order the death of 3 State Court Judges by "bashing of skulls". . . and 3 District Court Level Judges and Magistrates by "Isis Style Beheading". . . and 3 Circuit Court Level Judges by "AR 15's" to ensure the "most just speedy and inexpensive" determination as to Habeas Corpus [related to the 2nd & 14th Amendments]..." and “Once the "Militia" Orders the execution of any Judge for "Constitutional Treason" [there will be no further appeal possible]”.

In the letter, Dougherty told Chief Judge Connor that he could avoid this violent consequence by intervening in Dougherty’s failed civil cases and reversing or overturning rulings in those cases.

He wrote “give me what I am owed and I will leave the shit hole known as the 3d Cir...” PSR,

U.S. v. Dougherty, 19-140 (MDPA 2019) Doc. 239, pp. 5-6

On March 21, 2019, Dougherty sent an e-mail to an FBI special agent in which Dougherty explained that his militia, “Docson’s Militia”, would declare “open season on the judiciary”. Specifically, a particular judge would be shot in the head “to shut her up”. Dougherty added that such a killing would be justified by a claim of necessity under Pennsylvania law. *Id.* at 7.

On April 17, 2019, Dougherty was charged in the United States District Court for the Middle District of Pennsylvania by Indictment with one count of mailing threatening communications to a federal district judge. A four-count Superseding Indictment was later returned, adding charges for the additional threats. The case was tried before Chief Judge Colm Connolly of the District of Delaware.² Dougherty was convicted by a jury on several counts.

2. The District Court of the Middle District of Pennsylvania was recused.

At sentencing on March 28, 2022, Chief Judge Connolly told Dougherty that his threats were disruptive to the court, and explicitly admonished Dougherty about the severity of his crime and the frightening impact of the language used in the threat letter as follows:

“My point is that -- the reason why I was getting to this is until we got to trial, I had not read the threatening communication in its entirety. And, I can't tell you how distressing and disturbing it was to have Chief Judge Conner walk through in response to questions from the prosecutors, the line by line of the letter. That jury did not take long to reach its verdict, and I'm not surprised. Because when you read that letter, it's frightening. So you say you have no animus. A judge can never read the heart of a person definitively. You can only discern intent by making inferences. And we're not truth sayers. So words matter, actions matter. And it's from those things that judges and juries infer intent. So you say here you don't have animus, but that letter conveyed animus. I don't think it's even a close call... And I try to see good in everybody, but you can't write a letter like that. And the words convey animus. They convey hate, and they are scary. And we can't live in a country where our judges have to worry that because they rule on a default judgment in a civil case in a way that the plaintiff doesn't like, they're going to be subjected to threats. The constitutional government will not work if that's allowed to go unpunished.”

Dougherty was sentenced to serve 41 months in prison. He emerged unrehabilitated.

C. The Present Indictment

1. The May 1, 2023 Threats (Counts One and Two of this Indictment)

Dougherty served his prison sentence and was released to begin a three-year period of supervised release on December 27, 2022. He took up residence in Maryland and was supervised by federal probation there. In April of 2023, Dougherty renewed his campaign against the federal judiciary by sending an alarming letter to the United States Supreme Court, again warning that “a militia as a last resort can lawfully shoot the judge in his/her or them's head if the judge is engaged in Pennsylvania even a misdemeanor and after warning refuses to cease and desist.”

On May 1, 2023, Dougherty wrote a threatening letter/filing in connection with a case he had previously filed here in the Eastern District of Pennsylvania.³ The letter was docketed on May 3, 2023.⁴ In it, Dougherty threatened to have five federal judges shot and killed by his militia group, again paraphrasing the threats that had resulted in his conviction and imprisonment in the first case⁵:

Filed Under Seal, as 'the last warning'; before [A] (Required) 'Declaration of War' [against] The Third Circuit: Remember Pearl Harbor ([Time] Lost in Translation); "If the Execution(s) [by whatever means] of the [Active] Judges [Only] is/are to be deemed Lawful"; under 18 Pa. C.S. § 505/§ 506?

and

As 'attached' Docson's Militia, is 'seeking official authority' [immunity] as a "Last Resort"; as detailed in DC v . Heller. To "Lawfully" order the [Public] Execution of now at minimum of (5) Judges; FBO 'We The Pennsylvania People":The 'Targets' [of Sniper Assassination (by Opportunity)] would be:

1. Chagares
2. Hardiman
3. Connolly
4. Andrews
5. Jordon

Dougherty filed a similar letter, with the same threatening language, in a different case in the Middle District of Pennsylvania, docketed there on May 10, 2023.⁶

³ On March 21, 2023, Dougherty filed a civil action against various judges and a probation officer in the Eastern District of Pennsylvania (Civil Action Number 2:23-cv-01119-NIQA). As noted, Dougherty has filed numerous pro se actions. The Court of Appeals has described him as "a frequent and frequently vexatious litigator in this Court" *In re Dougherty*, 563 F. App'x 96, 97 (3d Cir. 2014).

⁴ Dougherty mailed the filing to the "Clerk of Court Eastern District". The Clerk duly filed it.

⁵ Dougherty routinely and voluminously peppers his writings with misused punctuation, and a variety of brackets and ellipses. He also often refers to himself in the third person.

⁶ Dougherty apparently mailed this filing to the District of Delaware, who forwarded it to the MDPA for filing there.

2. The May 8, 2023 Threat (Count Three of this Indictment):

Dougherty subsequently wrote a threatening letter to the Clerk of Court for the Eastern District of Pennsylvania. In it, Dougherty complained that “Clerk has omitted [the signature page]” of a pleading he filed and alleged that the clerk also omitted pages from the document. Dougherty concluded that, as a result, “Math Logic says ‘go to the clerks office’[and choke them to death]’if they refuse to enter default’????”

In the wake of Dougherty’s May 2023 letters to the Supreme Court and the Eastern District of Pennsylvania, the United States Probation Office filed a petition to revoke Dougherty’s supervised release. On July 13, 2023, the petition was granted. Dougherty was sentenced to serve 15 months in prison for the violation, to be followed by a new term of supervised release.

3. The March 1, 2024 Threats (Count Four of this Indictment):

While in federal prison serving his sentence for violating supervised release, Dougherty again sent threats to the court. On March 1, 2024, the Third Circuit Court of Appeals received another mailed filing from Dougherty in which he basically repeated the threats that had already resulted in his two previous prison terms, and even referenced his original 2017 threats to (then) Middle District Chief Judge Connor.⁷ In a document captioned “[Not Reckless] Counterman v. Colorado, 600 U.S. _ (6/27/2023); (“Legally Justifiable [Under Act 10 (2011) to [Order the Death of All Active Judges [involved]] who ‘have been warned to cease and desist’ and Have [willingly] Refused”);” Dougherty wrote:

Once Again Act 10 (2011) 'provides' not only can 'Pennsylvania Actors' [not be charged criminally] they are 'Immune from civil prosecution'; Therefore 'even though Former Chief Conner' was offended by.being told [the] Solution "As a Last Resort" [by] a Well-Regulated-Militia' makes it lawful in Pennsylvania to;

⁷ Dougherty mailed this filing to the “Civ Clerk Third Cir”, and the Clerk filed it on his behalf.

Identify one Common Pleas:court Judge, one Superior Court Judge, and One Supreme Court Justice, who 'willingly/neglected' to [enter default); under Criminal Coercion 2906(1) &(4); when properly sought and Publicly execute them in Front of the Liberty Bell 'broadcast World Wide via YouTube Oust like Hamas 10/7/2023) for maximum effect', and 3 District Court Judges [by Eisis style beheadings] (Just like 10/7/2023); and 3 Circuit Court Judges by AR 15 ... [in reference to] Highland Park Illinois 'outlawing ownership of AR

(Style Guns]' ... Just Like Hamas 10/7/2023 ... to raise up, the Ten Million Man Army we might 2 Need to Evict the Third Circuit from Pennsylvania under Article I Section

of the Pennsylvania Declaration of Rights ... then confirmed in *Counterman v. Colorado* as "Legally Justified";"

III. STATUTES CHARGED AND ELEMENTS OF THE OFFENSES

A. Threats to a United States Judge (18 U.S.C. § 115(a)(1)(B))

To convict the defendant of threats to a United States judge, the government must prove the following three elements:

1. That the defendant threatened to assault, kidnap, or murder a United States judge;
2. That at the time of the alleged threat, the victim was a federal official; and
3. That the defendant acted with the intent to impede, intimidate, or interfere with that official while engaged in the performance of his official duties or with the intent to retaliate against that official on account of the performance of his official duties.

B. Mailing Threatening Communications (18 U.S.C. § 876(c)):

To convict the defendant of mailing threatening communications, the government must prove the following three elements:

1. The defendant mailed (or caused to be delivered by the Postal Service according to the directions thereon) a communication addressed to any other person;

2. The communication contained a threat to kidnap or to injure a person;
3. The defendant acted knowingly and willfully; and
4. The threat was addressed to a federal law enforcement officer or government official engaged in the performance of his or her official duties

IV. WITNESSES

The Government may call the following witnesses in its case-in-chief:

- A. U.S. District Court for the District of Delaware Chief Judge Colm F. Connolly
- B. U.S. Third Circuit Court of Appeals Chief Judge Michael A. Chagares
- C. U.S. Third Circuit Court of Appeals Judge Richard G. Andrews
- D. U.S. Third Circuit Court of Appeals Judge Kent A. Jordan
- E. U.S. Third Circuit Court of Appeals Judge Thomas M. Hardiman
- F. U.S. Third Circuit Court of Appeals Judge Arianna J. Freeman
- G. U.S. District Court for the Eastern District of Pennsylvania Clerk of Court George V. Wylesol
- H. U.S. Third Circuit Court of Appeals Court Clerk Patricia S. Dodszuweit
- I. Kevin Eibel
- J. U.S. District Court for the Middle District of Pennsylvania Chief Judge Christopher C. Connor (Retired)
- K. Deputy US Marshal Gregory Marks
- L. Deputy US Marshal Joseph Franchi
- M. Deputy US Marshal Steven Gandre

N. Deputy US Marshal (Retired) Enrico Ilagan

O. U.S. Postal Inspector Michael A. Marro

The government reserves the right to supplement this memorandum and its witness list as may be required.

Respectfully submitted,

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United States Attorney

s/ Maureen McCartney

MAUREEN McCARTNEY
Assistant United States Attorney
Chief, Violent Crime Unit

s/ Joseph A. LaBar

JOSEPH A. LaBAR
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Date: January 28, 2025

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Government's Trial Memorandum has been served by electronic filing and/or first-class mail or e-mail on this date to:

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Date: January 28, 2025